

## REMARKS/ARGUMENT

Claims 1-29 are currently pending in the present application. Applicants respectfully traverse all claim rejections for the reasons that follow:

### **I. EXAMINER'S INTERVIEW REGARDING THE REJECTIONS OF CLAIMS 1-29 AS ANTICIPATED BY KAIYA**

Applicants' attorney and the Examiner conducted a telephone interview on February 10, 2004. The Examiner indicated that the claims would traverse U.S. Patent No. 5,178,130 to Kaiya (hereinafter "Kaiya") if the claims were amended to make clear that the phase adjustment occurs manually (i.e., that the phase adjustment apparatus is configured to permit an operator of the endoscopic imaging system to manually adjust the phases of the timing signals so as to compensate for a signal delay occurring over a signal transmission line). Accordingly, Applicants have amended claims 1, 2, 9, 10, 12, 13, 16, 18, 22, and 26 to make clear that the phase adjustment occurs manually. For example, claim 1 has been amended to recite "a phase adjustment circuit for permitting an operator to manually adjust the phases of the timing signals so as to compensate for a signal delay occurring over a signal transmission line." It is respectfully submitted that the amendments do not add new matter and have adequate support throughout the Specification. Accordingly, it is kindly requested that the rejections of claims 1-29 under 35 U.S.C. § 102(b) as anticipated by Kaiya be withdrawn.

### **II. REJECTIONS OF CLAIMS 1, 18, 22, AND 26 FOR DOUBLE PATENTING**

Claims 1, 18, 22, and 26 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of Kaiya. Respectfully, Applicants traverse.

As discussed above, the Examiner indicated that the claims would traverse Kaiya if amended to make clear that the phase adjustment occurs manually. Applicants have made such amendments and respectfully submit that the manual adjustment of phase is not obvious over Kaiya, especially since this reference discloses the use of phase-locked loops (i.e., the automatic adjustment of phase) to synchronize color wheels (NOTE: Applicants' still maintain that the use of such PLLs is for the synchronization of color wheels, not to compensate for signal delays). Nonetheless, regardless of the actual use of such PLLs, the PLLs employed by Kaiya

automatically adjust phase and, as such, Kaiya (including the features of claim 1) clearly teaches away from the features of claims 1-29 of the present application.

For at least the foregoing reasons, it is respectfully submitted that claims 1, 18, 22, and 26 are not obvious over claim 1 of Kaiya. Accordingly, it is kindly requested that the rejections of these claims under the judicially created doctrine of obviousness-type double patenting be withdrawn.

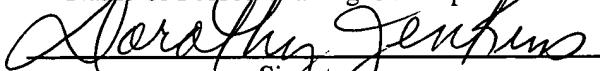
### III. CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are currently in allowable condition. Accordingly, reconsideration and prompt allowance of all pending claims is therefore earnestly solicited.

#### EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label #ev342532215us) in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, Alexandria, VA 22313-1450, on March 8, 2004  
DOROTHY JENKINS

Name of Person Mailing Correspondence



Signature

March 8, 2004

Date of Signature

Respectfully submitted,



Max Moskowitz  
Registration No.: 30,576  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700